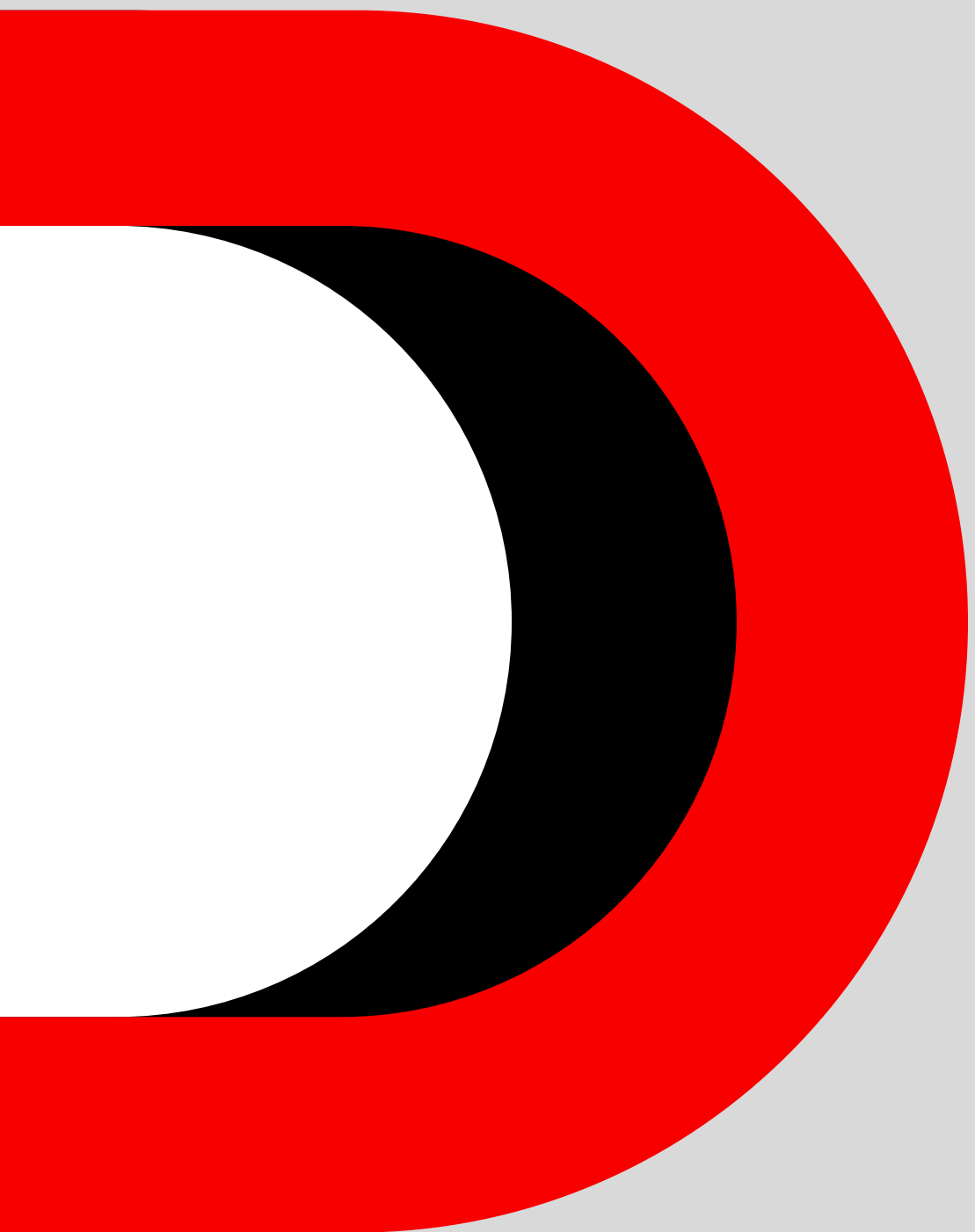


**EXHIBIT 3**

**Oracle's Rebuttal Examination  
of Barbara Frederiksen-Cross  
Demonstratives**



# *Oracle v. Rimini Street*

Barbara Frederiksen-Cross Rebuttal  
Demonstratives

# Violation No. 1 – Oracle files and documents on Rimini’s systems were not “isolated”

**Keyword search:** 4,481 documents

- Filter to include only .txt files or files beginning with “OOP”: 1,139 documents. All PDF files were excluded.
- Further filter to include only files with certain extensions: 934 documents.

**Astrachan:** 844 of 934 documents were “uploaded to Salesforce by clients.”

- This leaves 90 documents.

# Violation No. 1 – Oracle files and documents on Rimini’s systems were not “isolated”

## R.R. Donnelley & Sons Company

psptaxdt.dms – file was opened and change log and version assessed to help solve customer case.

## Texas Children’s Hospital

PeopleSoft documentation sent through Salesforce but was loaded into the ShareFile folder of Tom Glazer months later.

## Evergreen Support

PSPTCALC.lis – Rimini able to identify the problem in its file after receiving the Oracle .lis file.

## University of Oklahoma Health Sciences Center

Tax files were opened and reviewed for purposes of diagnosing that “the Calendar year is being picked up from the WP2C\_INSTALL table.”

# Violations 2, 3, 4, and 10 – Cross Use

- 1.** Simply because a client might be in scope does not allow use of that client's environment to support other licensees.
- 2.** *Delivery* to a client is not the same as *development* for a particular client.

# Cross Use Violation No. 4

Issue 4: rsi940a.sqr update for Smead and Spherion

**January 25, 2019**

Don Sheffield modifies  
Rimini-created files and tests  
them in COE's development  
environment for COE.

(OREX-0021 at 2)



**January 25, 2019**

Don Sheffield sends  
Rimini-created files to  
US clients "that will  
receive the update."

(OREX-0021 at 2)



**January 28, 2019**

Rimini business  
analyst determines  
update will not be  
delivered to all clients  
for tax law reason.

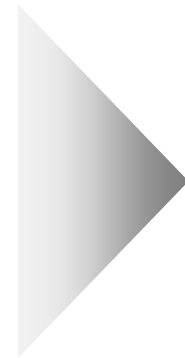
(DTX-407 at 1)

# Cross Use Violation No. 4

**Nov 28, 2018**

IRS Announces  
940a modifications  
only apply to US  
Virgin Islands

(OREX\_1351)



**Jan 15, 2019**

Laurie Gardener sets  
the scope for Form 940,  
Schedule A, from all US  
to "INCL: SPH"

(DTX-0401-004)



**Jan 24, 2019**

While scope is still  
set to SPH, Don  
Sheffield writes "I  
tested in COEX"

(OREX\_0021 at  
RSI007330443)



**Jan 25, 2019**

Don Sheffield  
changes scope  
to "INCL: US"

(DTX-0401-004)

2.

## Rimini's post-Injunction support conduct does not conform to Paragraph 5 of the Injunction.

- c) Rimini copied protected expression from Oracle file psptarry.cbl into Rimini rspcmpay.cbl (Violation No. 5).
- Professor Astrachan's methodology is inconsistent and not reproduceable.
  - Professor Astrachan is wrong in claiming that Rimini "flower boxes" uniformly start with /\* and end with a \*. *Flower box inconsistencies are further proof of copying.*
  - Professor Astrachan is wrong in constraint and convention analysis.



Issue 5: RSPCMPAY.cbl

## Filtering out the Unprotectible Elements

### Unprotectible elements to filter out:

- i. Code constrained by the syntax of a computer language
- ii. Code constrained by software function
- iii. Code constrained by logic or efficiency
- iv. Code constrained by standard programming terms
- v. Code constrained by standard development conventions

# PSPTARRY.cbl file

\*\*\*\*\*

DTX 502

## RSPCMPAY.cbl file

\*\*\*\*\*

DTX 501

**ORACLE®**

**PSPTARRY.cbl file**

**Rimini Street®**

**RSPCMPAY.cbl file**

```
IDENTIFICATION DIVISION.  
  
PROGRAM-ID. PSPTARRY.  
  
ENVIRONMENT DIVISION.  
  
*****
```

```
*****  
*                                                                    *  
AA000-MAIN SECTION.  
AA000.  
*                                                                    *  
*****
```

DTX 502

```
IDENTIFICATION DIVISION.  
  
PROGRAM-ID. RSPCMPAY.  
  
ENVIRONMENT DIVISION.  
  
*****
```

```
*****  
*                                                                    *  
AA000-MAIN SECTION.  
AA000.  
*                                                                    *  
*****
```

DTX 501

# Professor Astrachan's Analysis

```

882      *
           *
883      GD000-FETCH-TAX-BAL SECTION.
884      GD000.
885      *
           *
886      *****
*****
887
888      INITIALIZE SELECT-DATA OF S-YTD
889
890      CALL 'PTPSQLRT' USING ACTION-FETCH OF SQLRT
891                          SQLRT
892                          SQL-CURSOR OF S-YTD
893      IF RTNCD-END OF SQLRT
894
895          SET FETCH-YTD-END OF S-YTD TO TRUE
896
897      CALL 'PTPSQLRT' USING ACTION-DISC
CONNECT OF SQLRT
898                          SQLRT
899                          SQL-CURSOR OF S-YTD
900      IF RTNCD-ERROR OF SQLRT
901
902          MOVE 'FETCH-TAX-BAL(DISC)' TO
ERR-SECTION OF SQLRT
903          PERFORM ZZ000-SQL-ERROR
904      END-IF
905      ELSE
906          IF RTNCD-ERROR OF SQLRT
907
908          MOVE 'FETCH-TAX-BAL' TO ERR-SECTIO
N OF SQLRT
909          PERFORM ZZ000-SQL-ERROR

```

```

357      *
           *
358      GD000-FETCH-CMPAY SECTION.
359      GD000.
360      *
           *
361      *****
*****
362
363      INITIALIZE SELECT-DATA OF S-YTD
364
365      CALL 'PTPSQLRT' USING ACTION-FETCH OF SQLRT
366                          SQLRT
367                          SQL-CURSOR OF S-YTD
368      IF RTNCD-END OF SQLRT
369
370          SET FETCH-YTD-END OF S-YTD TO TRUE
371
372      CALL 'PTPSQLRT' USING ACTION-DISC
CONNECT OF SQLRT
373                          SQLRT
374                          SQL-CURSOR OF S-YTD
375      IF RTNCD-ERROR OF SQLRT
376
377          MOVE 'FETCH-CMPAY(DISC)' TO ERR-SECTIO
N OF SQLRT
378          PERFORM ZZ000-SQL-ERROR
379      END-IF
380      ELSE
381          IF RTNCD-ERROR OF SQLRT
382
383          MOVE 'FETCH-CMPAY' TO ERR-SECTIO
N OF SQLRT
384          PERFORM ZZ000-SQL-ERROR

```